REJECTIONS UNDER 35 U.S.C. § 103

Claims 1 – 6, 8 – 14 and 16 - 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,764,736 to Shachar et al. in view of U.S. Patent No. 5,919,247 to Van Hoff et al. and U.S. Patent No. 4,995,074 to Goldman et al. Claims 29 – 56 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shachar in view of Goldman. Applicants respectfully traverse these rejections.

Applicants disclose a communication system permitting data and voice communications between a server and a terminal over a single communications line, such that a voice call can be made between the terminal and a third party after initiating a data communications session and without terminating the data communications session. This ability to maintain the data communications session during the voice call is facilitated by temporary line disconnection units present in each of the server and the terminal, which mediate the disconnection and reassignment of the communication line to the voice call without informing upper layer applications each of the server and terminal of the disconnection. As a result, the upper layer applications in each of the server and the terminal remain in an active waiting state.

As delimited, for example, by Applicants' independent claims 1, 9, 16 and 22, the communication system and associated method provide for automatically fetching and storing in the terminal data associated with a data application in the server, so that this data may be automatically displayed by the terminal during voice communications (i.e., when data communications are suspended), so that "virtual" data communications proceed during voice communications.

Shachar discloses a method for manipulating voice and data connections between a data communication session and voice communication. In the event that a voice

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communication is requested during a data communication session, the method provides a means for storing information about the data communication session. Van Hoff discloses a system for distributing application code and data from a server to a client. A "tuner" application is used by the client to automatically request code and data updates to be delivered by a "transmitter" in the server. As acknowledged by the Examiner, neither Shachar nor Van Hoff teach or suggest Applicants claimed temporary line disconnection unit provided in each of the terminal and server for disconnecting a data communications line without issuing disconnection notifications an upper layer application of the terminal and server. The Examiner suggests that this limitation however is taught by Goldman.

Goldman discloses a switched line modem interface system that comprises a user terminal interface 28 and a host interface 34 that support suspension of a data communication session when the user proceeds to make a voice call. The interfaces 28, 34 support suspension by causing modem carrier signals to be maintained, by providing a "host not ready" signal to a user terminal 14 and by dropping a "terminal ready" signal to host 16. In sharp contrast, Applicants' claimed system employs temporary line disconnection units in the server and terminal that respectively serve to isolate only an upper layer application in each of the server and terminal so avoid receiving disconnection notice, rather than to completely isolate the host and terminal as is the case n the system of Goldman. While Goldman's system causes terminal operation to be suspended by actively and continuously providing a "host not ready" signal to the terminal, Applicants' claimed temporary line disconnection units isolate the upper layer application by providing no indication of line status.

Van Hoff discloses a system for distributing application code and data from a server to a client. A "tuner" application is used by the client to automatically request code

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and data updates to be delivered by a "transmitter" in the server. The Examiner notes that Van Hoff teaches a cache storage system for fetching web site date even if a client system is not connected to a network (see, e.g., column 12, line 63 through column 13, line 6 of Van Hoff). However, unlike Applicants invention, neither Van Hoff nor the other cited references teach or suggest Applicants' automatic data unit that is directed to storing all data in a currently linked-to web site other than the data already displayed on the terminal display device (see, e.g., pate 72, lines 12 – 23 of Applicants' specification). Toward this end, these references also fail to teach or suggest Applicants' automatic data unit being u when the terminal engages an application of the server so that the terminal may store only data relevant to the engaged application. Importantly, and as claimed, Applicants' automatic data unit fetches stored data during voice communications only, otherwise causing the terminal to fetch data from the server, and stored in the terminal as required. In this manner, data currency is optimally maintained during both data communications and voice communications.
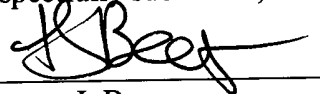
In light of the arguments presented above, Applicants' respectfully submit that their invention as claimed in independent claims 1, 9, 16 and 22 not made obvious by any combination of Shachar, van Hoff and Goldman, and therefore stand in condition for allowance. Applicants repeat the above argument, in particular with respect to Goldman, to further submit that independent claims 29, 37, 44 and 50 are also not made obvious by Shachar, van Hoff and Goldman, and are therefore in condition for allowance. As claims 2 – 6, 8, 10 – 14, 17 –21, 23 – 28, 30 – 36, 38 – 43, 45 – 40 and 51 – 56 each depend from one of allowable claims 1, 9, 16, 22, 29, 37, 44 and 50, Applicants respectfully submit that claims 2 – 6, 8, 10 – 14, 17 –21, 23 – 28, 30 – 36, 38 – 43, 45 – 40 and 51 – 56 are allowable for at least this reason.

CONCLUSION

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 1 – 6, 8 – 14, and 16 - 56, consisting of independent claims 1, 9, 16, 22, 29, 37, 44 and 50, and the claims dependent therefrom, are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, he is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

We respectfully request that all fees relating to this application be charged to Deposit Acct. No. 50-1290.

Respectfully submitted,

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